

FILED

August 27, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: _____ NM
DEPUTY _____

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

BRIAN K. CLOUSE)
Plaintiff)
v.) CIVIL NO. SA-23-CV-1380-OLG
SUCCESS SYSTEMS, LLC, d/b/a)
THE CREDIT PROS,)
Defendant)

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

On this date the Court considered the report and recommendation of United States Magistrate Judge Henry J. Bemporad, filed in the above-styled and numbered cause on August 6, 2024. Docket no. 26. The parties were served with a copy of the recommendation, and no objections have been filed. Where no party has objected to the Magistrate Judge's recommendation, the Court need not conduct a de novo review. Instead, the Court need only review the recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918 (1989).

The Court has reviewed the recommendation and the findings and conclusions therein are neither clearly erroneous nor contrary to law. It is therefore ORDERED that the recommendation of United States Magistrate Judge Henry J. Bemporad (docket no. 26) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1). It is further ORDERED that Defendant's motion to dismiss (docket no. 13) is GRANTED IN PART

and DENIED IN PART. It is further ORDERED that Plaintiff file his third amended complaint correcting the deficiencies explained in the recommendation within 14 days from the date below.

SIGNED on the 21 day of August, 2024.



ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE